

### **REMARKS**

This responds to the Office Action mailed on January 13, 2005, and the references cited therewith.

No claims are amended, claim 4 is cancelled, and no claims are added; as a result, claims 1-3 and 5-49 are now pending in this application.

#### **§102 Rejection of the Claims**

Claims 1-38 and 41-49 were rejected under 35 U.S.C. § 102(e) for anticipation by Hinson et al. (U.S. 6,829,770), Thatte et al. (U.S. 6,442,620), and Teegan et al. (U.S. 6,748,555).

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991).

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of anticipation in that each element of claims 1-38 and 41-49 were not disclosed in a single prior art reference. Applicants respectfully point out that the Office Action rejected claims 1-38 and 1-49 as being anticipated by three references.

For at least these reasons, Applicants respectfully request withdrawal of the § 102(e) rejection and allowance of claims 1-38 and 41-49.

#### **§103 Rejection of the Claims**

Claims 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hinson et al. (U.S. 6,829,770), Thatte et al. (U.S. 6,442,620), and Teegan et al. (U.S. 6,748,555) in view of Berg et al. (U.S. 5,999,911).

Applicants do not admit that Hinson, Thatte, Teegan and Berg are prior art, and reserve the right to swear behind them at a later date. Nevertheless, Applicants respectfully submit that the claims are distinguishable over Hinson, Thatte, Teegan and Berg for at least the reasons stated below.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). To do that the Examiner must show that some objective teaching in the prior art or some knowledge

generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.*

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of obviousness in that even if combined, the cited references fail to teach or suggest all of the elements of applicants' claimed invention. Additionally, Applicants respectfully submit that there is no suggestion to combine the cited references in the cited references themselves.

The references must teach or suggest all the claim elements. M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

Applicants respectfully submit that Teegan fails to teach or suggest 'a centralized database server' as recited in claim 36, from which claims 39 and 40 properly depend. Applicants respectfully submit that Teegan is concerned with facilitating configuration of software manager features, specifically facilitating enterprise software management. (Teegan, Col 16, lines 20-30). Applicants additionally fail to find in Teegan any teaching regarding 'workflow server engines for executing workflows' as recited in claim 36.

Applicants respectfully submit that with respect to claim 39, which properly depends on claim 36 which is allowable for at least the reasons stated above, the cited references fail to teach or suggest a 'locking mechanism for preventing access to the database server' as recited in claim 39. Applicants respectfully submit that Berg teaches locking the file, which when used, allows a number of users are able to share access to the file without file corruption. Applicants respectfully submit that locking a file and a locking mechanism for preventing access to the database server are distinctly different. Berg is concerned with preventing corruption of files due to multiple users accessing the same file. In embodiments of the present invention, preventing access to the database server alleviates the problems associated with numerous processes requesting access to the database server itself, not individual files accessible to the database server.

With respect to claim 40, which properly depends from claim 39, Applicants respectfully point out that a dependent claim incorporates all the limitations of the claim from which it depends and is allowable for at least the reasons stated above.

For at least the reasons stated above, Applicants respectfully request withdrawal of the § 103(a) rejection and reconsideration of the allowance of Claims 39 and 40.

*Documents Cited but Not Relied upon for this Office Action*

Applicants need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Office Action since these references are not made part of the rejections in this Office Action. Applicants are expressly not admitting to this assertion and reserves the right to address the assertion should it form part of future rejections.

*Claim Objections*

The Office Action Summary states that claims 3 and 4 are objected to. Applicants can not find in the text of the Office Action the objection referred to. Applicants presently cancel claim 4. With respect to claim 3, Applicants find no reason in the Office Action for the objection and respectfully requests that the objection be withdrawn.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-333-9972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

GLEN KAZUMI OKITA ET AL.

By their Representatives,

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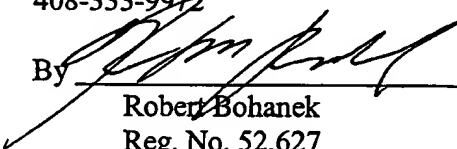
Minneapolis, MN 55402

408-333-9972

Date

4/11/05

By

  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of April, 2005:

Dawn R. Shaw

Name

  
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